

Notice of Allowability

Application No.

10/790,309

Examiner

Ricky D. Shafer

Applicant(s)

WHITEHEAD, PETER J.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 12, 2005.
2. ☒ The allowed claim(s) is/are 10, 11, 13, 16, 17, 20, 21, 48-61, 63, 64 and 66-68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

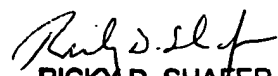
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


RICKY D. SHAFER
PATENT EXAMINER
ART UNIT 2872

Art Unit: 2872

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Catherine S. Collins on December 22, 2005.

2. The application has been amended as follows:

In claim 10, line 2, the language "a windshield" has been changed to read
--the windshield--.

In claim 11, line 2, the language "a header" has been changed to read --the header portion--.

In claim 16, line 3, the language "a vehicle window or a header" has been changed to read --the vehicle windshield or the vehicle header portion--.

In claim 17, line 2, numeral "48" has been changed to read --16--.

In claims 17 and 49, line 2, the language "memory" has been deleted.

In claim 48, line 1, the language --mirror-- has been inserted before "system".

In claim 48, line 15, the language "of said rearward field of view" has been deleted.

In claim 61, line 9, the language --a-- has been inserted before "cavity".

In claim 68, line 4, the language "review" has been changed to read --rearview--.

3. In view of the allowability of claim 49, claim 11 previously withdrawn from consideration as being drawn to a nonelected species has been rejoined.

4. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or fairly suggest a vehicular interior rearview mirror system comprising an interior rearview mirror assembly; said interior rearview mirror assembly comprising a generally cup-shaped mirror casing having a reflective element, said mirror casing including a back wall, said reflective element being spaced from said back wall to thereby define a cavity for containing one or more electrical components therein; said interior rearview mirror assembly further comprising a support, said support being adapted to mount to a vehicle windshield or vehicle header portion; said support including a cavity; and an electrical actuator located at least partially in said cavity of said support, said electrical actuator including at least one positioning member, said positioning member engaging said mirror casing whereby extension and retraction of said positioning member adjusts said mirror casing about one or more axes, as recited in claims 49 and 61.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about

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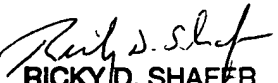
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the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

December 22, 2005


RICKY D. SHAFER
PATENT EXAMINER
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